

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla,
Rio Brazos, Rutherford & Plaza Blanca,
Cañones Creek, Village of Chama

MOTION TO ALLOW SERVICE BY PUBLICATION

COMES NOW the plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and requests the Court to enter its order allowing service by publication on the Defendants named herein, and in support of this motion states as follows:

1. The States seeks to serve the Defendants named herein by publication pursuant to Rule 4(e)(1) of the Federal Rules of Civil Procedure and Rule 1-004(K) of the Rules of Civil Procedure for the District Courts of the State of New Mexico.

2. Attempts by the State to serve the Defendants listed below by mail or commercial carrier as provided in Rule 1-0004(E)(3) of the Rules of Civil Procedure for the District Courts of the State of New Mexico have been unsuccessful. Certified mail (restricted delivery) addressed to the Defendants named below was either returned as unclaimed or not deliverable as addressed. In cases where mail was returned as not deliverable as addressed, the whereabouts of the Defendants cannot be discovered after due inquiry and search.

<u>Defendant</u>	<u>Subfile No.</u>
Hope U. Martinez	CHTA-004-0027B
Juan I. Martinez	CHTA-004-0027B
Virginia McDermott	CHTA-004-0028
Tracy T. Howell	CHTA-004-0028
Joe I. Valdez	CHRB-004-0015
Tive Valdez	CHRB-004-0015
Clyde C. Cordova	CHRB-004-0018A
Cynthia A. Cordova	CHRB-004-0018A
Paul M. Cordova	CHRB-004-0018B
Georgia M. Cordova	CHRB-004-0018B
Daniel E. Valdez	CHRU-003-0009 CHRU-004-0006
Johnny Valdez	CHRU-004-0009
Robert G. Wells	CHCV-002-0038
Verleen Bush	CHCV-002-0044
John Bush	CHCV-002-0044
Victoria L. Skrondahl	CHCV-003-0028

3. Plaintiff is unaware of the appointment of a personal representative to accept or receive service of process on behalf of the estate of the deceased person listed below.

<u>Defendant</u>	<u>Subfile</u>
Estate of Manuelita U. Abeyta	CHTA-003-0053

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order allowing service of process by publication upon the above-named Defendants.

Dated: July 27, 2006

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
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(505) 867-7444
(505) 867-2299 facsimile

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were transmitted by ACE filing to the following on July 27, 2006.

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla McCall, Data Manager
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

/s/ Ed Newville
Edward G. Newville